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area in which this Act has come into force, cease to have effect in relation to any unauthorized occupation as defined in this Act, except as respects things done or omitted to be done before the date of the commencement of this Act.

10. *Exemptions*.—(1) The Government may, by notification, exempt any public premises or class of public premises or person or class of persons from all or any of the provisions of this Act or of any rules made thereunder, subject to such conditions and restrictions as the Government may impose.

(2) For the removal of doubts it is hereby declared that, where any public premises or class of public premises or person or class of persons are or is exempted from section 9 of this Act, the Madras Land Encroachment Act, 1905 (Madras Act III of 1905), or the Travancore-Cochin Land Conservancy Act, 1951 (Travancore-Cochin Act XIX of 1951), as the case may be, shall have effect in relation to such premises or person or persons with effect from the date of such exemption.

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Clause 5 (1) empowers the Government to prescribe the manner in which the notice referred to in that clause should be published.

Clause 8 empowers the Government to make rules by notification for carrying out the purposes of the Bill when enacted and also in respect of matters specifically enumerated in that clause.

These delegations are necessary to give effect to the provisions of the Bill when enacted and they are of a normal character.

TRUTH ALONE TRIUMPHS

APPENDIX II.

[Vide item V (2) on page 265 supra.]

[L.A. Bill No. 25 of 1960 (as passed by the Assembly).]

A Bill to amend the Madras General Sales Tax Act, 1959.

WHEREAS it is expedient to amend the Madras General Sales Tax Act, 1959 (Madras Act I of 1959), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and commencement*.—(1) This Act may be called the Madras General Sales Tax (Amendment) Act, 1960.

(2) Sections 3 and 4 shall be deemed to have come into force on the 1st April 1959.

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2. *Amendment of section 2, Madras Act I of* 1959.—In section 2 of the Madras General Sales Tax Act, 1959 (Madras Act I of 1959) (hereinafter referred to as the principal Act),—

(a) in clause (n), the words "and includes a transfer of property in goods involved in the execution of a works contract", shall be omitted;

(b) in clause (r), in Explanation (2), clause (i) shall be omitted; and

(c) clause (s) shall be omitted.

3. *Amendment of section 3, Madras Act I of* 1959.—In sub-section (3) of section 3 of the principal Act, for the words "manufacture for sale inside the State", the words "manufacture inside the State for sale" shall be substituted.

4. *Amendment of section 20, Madras Act I of* 1959.—In section 20 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2A) The Government may, from time to time, by notification—

(i) exempt from the operation of sub-section (1) or sub-section (2) any specified class of dealers or dealers in any specified goods or class of goods;

(ii) enhance the total turnover limit specified in sub-section (1) for the registration of any specified class of dealers or dealers in any specified goods or class of goods.

(2B) Any exemption under clause (i) and any enhancement of the total turnover limit under clause (ii) of sub-section (2A)—

(i) may extend to the whole State or to any specified area or areas therein;

(ii) may be subject to such restrictions and conditions as may be specified in the notification.

(2C) The Government may, by notification, cancel or vary any notification issued under sub-section (2A).".

5. *Insertion of new section 21-A in Madras Act I of* 1959.—After section 21 of the principal Act, the following section shall be inserted, namely:—

"21-A. *Issue of permit.*—(1) Every registered dealer who transacts business at places other than his registered place or places of business or employs a travelling salesman or representative to transact business as aforesaid shall obtain a permit issued under this Act authorizing himself or, as the case may be, the travelling salesman or representative so to do.

(2) The entire turnover of business carried on under the permit shall be included and accounted for by the registered dealer in his accounts and returns and shall be dealt with as if it were the turnover of business done by the registered dealer himself at the registered place of business.

(3) Every permit holder shall carry the permit on his person and shall produce it on demand by any officer of the Commercial Taxes Department empowered by the Government in this behalf. He shall maintain and produce on demand to any such officer a true and correct account of all the transactions carried on under the permit and also a stock book showing the quantities of goods entrusted to him by the registered dealer, the quantities disposed of from day to day by sale or otherwise and the balance on hand at the end of each day.

(4) An application for permit referred to in sub-section (1) shall be made to such authority, in such manner and within such period as may be prescribed and shall be accompanied by such fee not exceeding ten rupees as may be prescribed.

Explanation.—A separate application with a separate fee shall be necessary for the registered dealer and for each travelling salesman or representative employed by him.

(5) If the prescribed authority is satisfied that the application is in order, it shall issue the permit in the prescribed form.

(6) A permit issued under sub-section (5) shall be valid for a year and shall be renewed from year to year on receipt of an application from the registered dealer accompanied by such fee not exceeding ten rupees as may be prescribed.

(7) The prescribed authority shall cancel a permit—

(*a*) on requisition made in writing by the registered dealer, and

(*b*) on the cancellation of the certificate of registration.

(8) The prescribed authority may cancel a permit if the permit holder has contravened any of the terms or conditions of the permit or any of the provisions of this Act or the rules made thereunder.

(9) No permit shall be cancelled under clause (*b*) of sub-section (7) or sub-section (8) unless the permit holder concerned has been given a reasonable opportunity of being heard."

6. *Amendment of section* 40, *Madras Act I of* 1959.—In section 40 of the principal Act, for the words " shall keep and maintain a true and correct account ", the words " shall keep and maintain a true and correct account and such other record as may be prescribed" shall be substituted.

7. *Amendment of section* 41, *Madras Act I of* 1959.—In section 41 of the principal Act—

(1) in sub-sections (1), (2) and (4), for the words " registers and other documents ", wherever they occur, the words " registers, records and other documents " shall be substituted;

(2) in sub-section (3), for the words " registers or other documents ", the words " registers, records or other documents " and for the words " registers and documents " wherever they occur, the words " registers, records and documents " shall be substituted.

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8. *Amendment of section 42, Madras Act I of 1959.*—In sub-section (3) of section 42 of the principal Act, for the words "and are not covered by a delivery note, a Goods Vehicle Record, a Trip Sheet, or a Log Book, as the case may be, or by a bill of sale where one is required to be issued", the following shall be substituted, namely :—

"and are not covered by,

(i) a bill of sale or delivery note,

(ii) a Goods Vehicle Record, a Trip Sheet or a Log Book, as the case may be, and

(iii) such other documents as may be prescribed under sections 43 and 44".

9. *Substitution of new section for section 43, Madras Act I of 1959.*—For section 43 of the principal Act, the following section shall be substituted, namely :—

"43. *Possession and submission of certain records by owners, etc., of boats.*—The owner or other person in charge of a boat shall carry with him—

(i) Bill of sale or delivery note,

(ii) Log Book, and

(iii) such other documents as may be prescribed,

relating to the goods under transport and containing such particulars as may be prescribed and shall submit to the Commercial Tax Officer, having jurisdiction over the area in which the goods are delivered, the documents aforesaid or copies thereof within such time as may be prescribed".

10. *Substitution of new section for section 44, Madras Act I of 1959.*—For section 44 of the principal Act, the following section shall be substituted, namely :—

"44. *Possession and submission of certain records by owners, etc., of goods vehicles.*—The owner or other person in charge of a goods vehicle shall carry with him—

(i) Bill of sale or delivery note,

(ii) Goods Vehicle Record or Trip Sheet, and

(iii) such other documents as may be prescribed,

relating to the goods under transport and containing such particulars as may be prescribed and shall submit to the Commercial Tax Officer, having jurisdiction over the area in which the goods are delivered, the documents aforesaid or copies thereof within such time as may be prescribed".

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11. *Amendment of section* 45, *Madras Act I of* 1959.—In sub-section (1) of section 45 of the principal Act, clause (*c*) shall be relettered as clause (*d*), and before the clause as so relettered, the following clause shall be inserted, namely :—

" (*c*) being a person obliged to take out a permit under this Act, does not take out such permit, or ".

12. *Amendment of section* 57, *Madras Act I of* 1959.—In section 57 of the principal Act—

(1) in sub-section (1), for the words " accounts or documents ", the words " accounts, registers, records or documents " shall be substituted;

(2) in clause (i) of sub-section (2), after the word " accounts," the words " registers, records," shall be inserted.

13. *Amendment of the First Schedule, Madras Act I of* 1959.—In the First Schedule to the principal Act,—

(1) for item 23 and the entries relating thereto, the following item and entries shall be substituted, namely :—

" 23. Machinery (other than those falling under item 41) including any article, implement, contrivance, apparatus or part of such machinery made of any metal (not being a typewriter, tabulating machine, calculating machine and duplicating machine and parts thereof), hardware, iron and steel (other than those mentioned under declared goods) and all articles made therefrom (excluding articles used for agricultural purposes and all items specifically provided in the Schedule).	**Do.**	**3 ";**

(2) for item 24 and the entries relating thereto, the following item and entries shall be substituted, namely :—

" 24. Milk foods (excluding milk but including milk powder).	**Do.**	**3." ;**

(3) for item 59 and the entries relating thereto, the following item and entries shall be substituted, namely :—

" 59. Wattle bark, Avaram bark, Konnam bark, Wattle extract, Quobracho and Chestnut extract.	**At the point of last purchase in the State.**	**1."**

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"14 *Amendment of the Second Schedule, Madras Act I of* 1959.—In the Second Schedule to the principal Act, for item 6 and the entries relating thereto, the following item and entries shall be substituted, namely :—

6 (*a*)	Oil-seeds, other than cardamom and groundnut, that is to say, seeds yielding non-volatile oils used for human consumption or in industry or in the manufacture of varnishes, soaps and the like or in lubrication and volatile oils used chiefly in medicines, perfumes, cosmetics and the like.	Do.	2
(*b*)	Cardamom	At the point of first purchase in the State.	2
(*c*)	Groundnut	Do.	1"

I certify that this is a Money Bill.

FORT ST. GEORGE, 9th *September* 1960.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 5, 6, 9 and 10 of the Bill empower the Government to prescribe the manner and method of giving effect to certain provisions of the Bill, when enacted, by making suitable rules thereunder. The powers delegated are normal and not of an exceptional character.